

Before the  
Federal Communications Commission  
Washington, D.C. 20554

MM Docket No. 92-200

In the Matter of

Amendment of Section 73.202(b). RM-8018  
Table of Allotments,  
FM Broadcast Stations  
(Bronson and Cross City, Florida)

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: July 18, 1995;

Released: July 26, 1995

By the Chief, Allocations Branch:

1. Pursuant to the request of Women in Florida Broadcasting, Inc. ("Women"), the Commission has before it for consideration the *Notice of Proposed Rule Making*, 7 FCC Rcd 5941 (1992), proposing the reallocation of Channel 295C1 from Cross City, Florida,<sup>1</sup> to Bronson, Florida, and the modification of Station WDFL(FM)'s license to specify Bronson, Florida, as its community of license. Comments were filed by Women, and Greg Strickland ("Strickland"). Sarasota-FM, Inc. ("SFI"), licensee of Station WSRZ(FM), Sarasota, Florida, and Gator Broadcasting Corporation ("Gator"), licensee of Station WRRX(FM), Micanopy, Florida, filed joint comments. Women filed reply comments.<sup>2</sup>

2. Women filed comments restating its intention to apply for Channel 295C1 at Bronson, Florida, if allotted. Women also states that Bronson is one of six county seats in Florida without a local broadcast station.

3. Strickland in his comments argues that Women intend to serve the nearby urbanized area of Gainesville (population 84,770) which is 20 miles north east of Bronson. Strickland states that if the Commission reallocates Channel 295C1 to Bronson, it would be possible to operate a station on Channel 295C2 approximately 15 miles north of Bronson, which would provide a 70dbu signal over the city of Gainesville. Strickland contends that if the reallocation is made Women will request a downgrade to Class C2 status and direct its signal, programming and sales effort to Gainesville not Bronson. Strickland also states that the proposed reference coordinates will provide a 70dbu signal over both Cross City and Bronson. Strickland argues that

should the Commission reallocate Channel 295C1 to Bronson, it should require minimum Class C1 operations at the proposed reference site, since this will preserve service to Cross City and also allow service to Bronson.

4. SFI/Gator in their comments state that they have no objections to the reallocation of Channel 295C1 from Cross City to Bronson, Florida, however, they request that the Commission take official notice of their *Petition for Rule Making* and comments in the *Beverly Hills, Florida*, proceeding, See MM Docket No. 92-195, *Report and Order*, 8 FCC Rcd 2197 (1993), and *Memorandum Opinion and Order*, 8 FCC Rcd 8515 (1993). SFI/Gator state that the reallocation of Channel 295C1 from Cross City to Bronson should not be mutually exclusive with their pending proposals.

5. In reply comments Women states there is no conflict between its proposal and any of SFI/Gator's proposals. Women notes that its proposal entails no change in the reference site presently specified for Channel 295C1 at Cross City. Women argue that Strickland's comments are based on inconclusive evidence, and a misunderstanding of the change of community of license process, citing *Modification of FM and TV Authorizations to Specify a New Community of License ("Change of Community R&O")*, 4 FCC Rcd 4870 (1989), *recon. granted in part (Change of Community MO&O)*, 5 FCC Rcd 7094 (1990). Women states that neither Cross City nor Bronson is part of any census-defined Urbanized Area. Even though Gainesville is the closest city to Bronson, it is neither so close nor so interrelated as to swallow Bronson's civic identity within its own. Bronson is the county seat of Levy County and Gainesville is the county seats of Alachua County. In addition, Women notes that its present proposal provides primary service not only to Cross City, Bronson and Gainesville, but to numerous other communities in the area as well. Women also state that Strickland's request to restrict its flexibility is entirely inappropriate at the allotment stage. Women argue that Strickland's comments seek to apply criteria the Commission has expressly rejected, not to mention being based entirely on speculation, since it has not been verified.

6. Based on the information before us, we find that the public interest would not be served by reallocating Channel 295C1 from Cross City to Bronson, Florida. In examining a change of community of license proposal, we must determine whether the proposal would result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures, *supra*. In determining whether a proposed reallocation represents a preferential arrangement of allotments, we compare the existing arrangement of allotments with the proposed arrangement of allotments using our FM allotment priorities.<sup>3</sup> Here, we have examined the two communities with respect to their relative locations, populations and reception services and find that Bronson is significantly smaller in population, is

<sup>1</sup> In MM Docket No. 87-455, the Commission substituted Channel 295C1 for Channel 292A at Cross City, Florida. See *Report and Order*, 4 FCC Rcd 5599 (1989), *recon. denied*, 7 FCC Rcd 2557 (1992), *app. for rev. granted*, 10 FCC Rcd 138 (1995).

<sup>2</sup> After the record closed Women filed a request for expedited consideration. Dickerson Broadcasting, Inc. ("Dickerson") licensee of Station WEAG(FM) and WEAG(AM), Starke, Florida, filed a petition to dismiss and return Women's petition. Women filed a request for additional time to submit its opposition to Dickerson's petition to dismiss. Women filed a "Motion to

Strike or Alternatively Opposition to Petition to Dismiss and Return its Petition." Commission Rule 1.415(d) precludes the filing of untimely comments unless specifically requested or authorized by the Commission. Therefore, we will not consider these pleadings in connection with this proceeding.

<sup>3</sup> See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1992). The allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters [Co-equal weight given to priorities (2) and (3)].

located closer to the Gainesville Urbanized Area and therefore receives far more reception services than Cross City. In addition, Bronson will continue to receive service from Station WDFL(FM), since it is not proposing to change its transmitter site and currently provides Bronson with a city-grade signal. Women has also provided no evidence suggesting that it is unable to provide Bronson with any specialized service at this time. Furthermore, in making this comparison, we note that this proposal would provide Bronson (population 875) with a ninth FM reception service (Bronson currently receives eight FM and five AM reception services) which falls under priority four, other public interest matters. While Cross City (population 2,041), the larger community, would continue to receive reception service from four FM stations and five AM stations, and retain its sole local FM service, thus falling under priority three, which is a higher allotment priority. Even though, the population of Bronson may be increasing more rapidly than that of Cross City, we do not believe that this factor justifies the removal of the sole local FM station at Cross City. See *Change of Community R&O and MO&O, supra.*, and *Brunswick and Waycross, Georgia*, 8 FCC Rcd 17 (1993). We find that the reallocation of Channel 295C1 from Cross City, Florida, to Bronson, Florida, does not provide a public interest benefit significant enough to override the loss of Cross City's sole local FM transmission service.

7. Accordingly, IT IS ORDERED, That the petition for rule making filed by Women in Florida Broadcasting, Inc. to reallocate Channel 295C1 from Cross City, Florida to Bronson, Florida, IS DENIED.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Nancy J. Walls, Mass Media Bureau, (202) 418-2180.

#### FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
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